

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY	)	MDL NO. 1456
AVERAGE WHOLESALE PRICE	)	
LITIGATION	)	CIVIL ACTION: 01-CV-12257-PBS
	)	Subcategory Docket: 06-CV-11337-PBS
	)	
THIS DOCUMENT RELATES TO	)	Judge Patti B. Saris
	)	
<i>U.S. ex rel. Ven-A-Care of the Florida Keys,</i>	)	Magistrate Judge Marianne B. Bowler
<i>Inc. v. Abbott Laboratories, Inc.,</i>	)	
No. 07-CV-11618-PBS	)	
	)	

**DECLARATION OF ERIC P. BERLIN**

Eric P. Berlin hereby declares as follows:

1. I am an attorney with the law firm Jones Day, counsel for Defendant Abbott Laboratories Inc. ("Abbott").
2. I am admitted to practice in the State of Illinois and *pro hac vice* before this Court.
3. Attached hereto as Exhibit A is a listing of the exhibits filed in conjunction with the *Local Rule 56.1 Statement of Undisputed Material Facts Supporting Abbott Laboratories Inc.'s Motion for Summary Judgment*.
4. Those exhibits, incorporated herein by reference, are true and correct copies of the documents as described in the attached list.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 28,, 2009

/s/ Eric P. Berlin  
Eric P. Berlin